

BOARD OF APPEALS CASE NO. 4911

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BEFORE THE

APPLICANT: Edgewater Partnership

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ZONING HEARING EXAMINER

REQUEST: Enlargement of a non-conforming use to allow a video store in the B3 District; 1807 Pulaski Highway, Edgewood

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/7/99 & 4/14/99

HEARING DATE: May 26, 1999

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Record: 4/9/99 & 4/16/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant appeared before the Hearing Examiner requesting an enlargement of a non-conforming Integrated Community Shopping Center (ICSC), pursuant to Section 267-21 of the Harford County Code, to allow a Hollywood Video Store in the B3, General Business District.

The subject property is located at 1807 Pulaski Highway in the First Election District and is designated as Parcels 670 and 964 in Grid 2E and 3E on Tax Map 65 Department of Taxation

Tunnie Ping testified on behalf of the Applicant. He explained that the Edgewater Village Shopping Center was originally developed in 1973. The Applicant would like to build a 5,040 square foot Hollywood Video store as shown on the site plan. Hollywood Video is a national chain of video rental stores. The proposed building will be a freestanding structure located on the existing shopping center parking lot. All required parking will be provided. The witness explained that as shopping centers evolve, it is necessary to provide new services that the public desire. He testified that allowing the proposed video store to be constructed will enable the applicant to better serve the needs of the community.

No protestants appeared in opposition to the Applicant's request.

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Anthony S. McClune, Chief of Current Planning for the Department of Planning and Zoning appeared and testified that the Applicant met or exceeded all applicable requirements of the Code for the requested expansion. Mr. McClune said that, accordingly, the Staff recommended conditional approval.

CONCLUSION:

Section 267-21 of the Code provides as follows:

The Board may authorize the extension or enlargement of a non-conforming use, with or without conditions, provided that:

- A. The proposed extension or enlargement does not change to a less-restricted and more-intense use.
- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the non-conformity.
- C. The enlargement or extension does not violate the height or coverage regulations for the district.
- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- E. The limitations, guides and standards set forth in Section 267-9(1), Limitations, Guides and Standards, are considered by the Board.

Based on the testimony provided by the Applicant, and as set forth in the Staff Report, the Hearing Examiner finds that the Applicant has met its burden of proof to justify the requested enlargement of the valid non-conforming use under Section 267-21. As noted in the Staff Report, the proposed expansion is not changing the existing shopping center use of the site. The expansion provides for an additional retail building on the site. The proposed structure will be one story and will not exceed the 35 foot maximum height requirement.

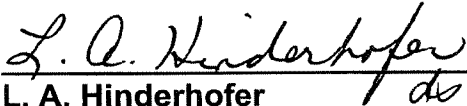
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The structure will be placed on existing impervious surface and will not increase the overall impervious coverage. The building coverage on the site will not exceed the maximum for the district with the addition of the building. The proposed structure will not have any adverse impact on the adjacent properties, traffic patterns, the surrounding neighborhood, and/or the intent of the Code. The enlargement is minor in nature and will not impede the flow of traffic on the site. No testimony was introduced to indicate that the proposal would adversely impact the "Limitations, Guides and Standards" set forth in Section 267-9(l).

Based on the evidence, it is the recommendation of the Hearing Examiner that the requested enlargement of the valid non-conforming use shopping center be approved subject to the following conditions:

1. A site plan be submitted for review through the Development Advisory Committee (DAC).
2. The Applicant obtain all necessary permits and inspections for the structure.

Date MAY 28, 1999



L. A. Hinderhofer
Zoning Hearing Examiner